



COUNTY OF LOS ANGELES
DEPARTMENT OF PARKS AND RECREATION
"Creating Community Through People, Parks and Programs"

Russ Guiney, Director

April 21, 2009

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

**ADOPTION OF THE RESOLUTION DECLARING THE COUNTY'S INTENTION TO
LEVY AND COLLECT ASSESSMENTS FOR ZONES WITHIN LOS ANGELES
COUNTY LANDSCAPING AND LIGHTING ACT DISTRICT NUMBERS 1, 2, AND 4
AND ZONES THEREIN FOR FISCAL YEAR 2009-10; PRELIMINARILY APPROVING
THE ENGINEER'S REPORT IN CONNECTION WITH THE LEVY OF ANNUAL
ASSESSMENTS WITHIN SUCH ASSESSMENT DISTRICTS AND ZONES; AND
SETTING A DATE, TIME AND PLACE FOR HEARING PROTESTS
(SUPERVISORIAL DISTRICTS 1, 3, 4, AND 5) (3 VOTES)**

SUBJECT

Adoption of the Resolutions of Intention to levy annual assessments for Landscaping and Lighting Act District Numbers 1, 2, and 4 and Zones therein; preliminary approval of the engineer's report for the levy; and setting a date, time and place for hearing protests thereon.

IT IS RECOMMENDED THAT YOUR BOARD:

1. Find the proposed actions exempt from the California Environmental Quality Act (CEQA), for the reasons cited herein.
2. Adopt Resolution of Intention, declaring the Board's intent to levy and collect assessments for the Los Angeles County Landscaping and Lighting Act (LLA) District Numbers 1, 2, and 4 and Zones therein for Fiscal Year (FY) 2009-10 pursuant to the provisions of the Landscaping and Lighting Act of 1972 (Act), Section 22500 *et. seq.* of the California Streets and Highways Code, and as provided by Article XIID of the California Constitution.
3. Approve and file the enclosed Engineer's Reports prepared in accordance with Section 22565 of the Act for levy and collection of assessments for LLA District Numbers 1, 2, and 4 and Zones therein for FY 2009-10.

4. Set the public hearing (protest hearing) date for the levying and collection of assessments for LLA District Numbers 1, 2, and 4 and Zones therein FY 2009–10, as in Section 22625 of the Act.
5. Instruct the Executive Officer of the Board to give notice of the public hearings (protest hearings) by mail and publishing the Resolutions of Intention at least 45 days prior to the scheduled public hearing (protest hearing) date of June 23, 2009, as required by Section 22626(a) of the Act.

IT IS FURTHER RECOMMENDED THAT, AT THE CONCLUSION OF THE PUBLIC HEARING (PROTEST HEARING), YOUR BOARD:

1. Order changes in any of the matters provided in the Engineer's Reports, including changes in the improvements, the proposed diagrams, or the proposed assessments as described in the Engineer's Reports if needed.
2. Adopt Resolution confirming the diagram and ordering the levying of annual assessments in LLA District Numbers 1, 2, and 4 and Zones therein for FY 2009–10, either as originally proposed or changed by the Board, and order the maintenance and operation work to be done for each LLA District and Zones therein.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTIONS

On July 12, 1979; August 10, 1995; and July 22, 1997; your Board approved the formation of LLA District Numbers 1, 2, and 4 and Zones therein, respectively, for the purpose of providing landscaping in County-administered LLA Districts and Zones therein pursuant to provisions of the Act. As the governing body, the Board of Supervisors is responsible for levying the annual assessment for landscape and park maintenance purposes.

On June 12, 1979, your Board approved a method of distributing maintenance costs on the basis of land use and/or benefit and this same method will be used to compute the FY 2009–10 assessments. This method and the proposed assessments on the various lots or parcels are shown in detail in the Engineer's Reports.

Implementation of Strategic Plan Goals

These actions will further the County's Strategic Plan Goals of Operational Effectiveness (Goal 1). These recommendations, in compliance with the Act and Article XIID of the California Constitution, will allow the County to service and maintain the park, landscaping, and appurtenant facilities that benefit those who live within these Zones.

FISCAL IMPACT/FINANCING

All services provided in the Districts, and Zones therein, are funded by the assessments established by the Board of Supervisors. There is no fiscal impact to the General Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Act sets forth procedures that must be followed for any fiscal year during which assessments levied in a prior fiscal year are to be continued. The Act, Government Code Section 53753, and the California Constitution have established procedures that must be followed for the levy of any new or increased assessments. The Act requires that your Board adopt a Resolution Initiating Proceedings, and generally describe any proposed improvements or substantial changes in existing improvements.

Your Board must also order the Director of the Department of Parks and Recreation to declare the County's intention to levy assessments and to have prepared an Engineer's Report in accordance with Section 22565 *et. seq.* of the Act. The Report must show an estimate of the proposed costs of providing landscape and park maintenance services for the upcoming fiscal year beginning on July 1, 2009, and ending June 30, 2010. The Act further requires that the Engineer's Report provide a method of funding the assessment district with direct assessments collected via the consolidated tax bill. This LLA District provides for the assessment of landscape and park maintenance costs against the benefiting properties.

The passage of Proposition 218 in November 1996 added Articles XIIC and XIID to the California Constitution. Article XIID contains additional requirements to those found in the Act that must be followed for the levying of new or additional assessments and the filing of the Engineer's Report.

The Report must clearly define the special benefit of the improvements and services to the property to be assessed. In addition, your Board is required to conduct a public hearing upon the proposed assessments and adjustments not less than 45 days from the date of the adoption of the Resolution of Intention. Notice of the public hearing may be done in accordance with standard noticing practices for public hearings.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of these recommendations will benefit these communities by providing funds for the continued beautification, maintenance and servicing of landscaped slopes, medians, park areas and appurtenant improvements.

ENVIRONMENTAL DOCUMENTATION

Approval of the proposed action is exempt from the CEQA, according to Section 15273(a)(1)(2)(3)(4) of the State CEQA Guidelines because CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, or other charges by public agencies. The proposed action is also exempt from the CEQA because it is for the purposes of: (1) meeting operating expenses including employee wage rates and fringe benefits, (2) purchasing and leasing supplies, equipment, or materials, (3) meeting financial reserve needs and requirements, and/or (4) obtaining funds for capital projects necessary to maintain service within existing service areas, pursuant to Section 21080(b)(8) (A)(B)(C) of the Public Resources Code.

CONCLUSION

It is requested that an executed copy of this document be retained by the Executive Officer-Clerk of the Board, one adopted copy each be forwarded to the Chief Executive Office, County Counsel and Auditor-Controller, and two adopted copies be forwarded to the Department of Parks and Recreation.

Respectfully submitted,



RUSS GUINEY
Director

RG:KEH:PM:rc

Attachments

c: County Counsel